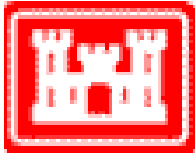


# PUBLIC NOTICE



US ARMY CORPS  
OF ENGINEERS

OMAHA DISTRICT

APPLICANT: SIGNATURE HOMES, LLC  
APPLICATION NO: 200430217

WATERWAY: WETLAND

ISSUE DATE: NOVEMBER 17, 2004  
EXPIRATION DATE: DECEMBER 8, 2004

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Regulatory Office, 28563 Powerhouse Rd, Room 118, Pierre, SD 57501

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**21-DAY NOTICE**

## JOINT NOTICE OF PERMIT PENDING

US ARMY CORPS OF ENGINEERS  
AND

SOUTH DAKOTA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

The application of Signature Homes LLC, Sioux Falls, South Dakota, for approval of plans and issuance of a permit under authority of the Secretary of the Army is being considered by the District Engineer, US Army Engineer District, Omaha, Nebraska.

The applicant requests authorization to perform site-grading activities in waters of the United States (linear wetland/tributary) in connection with a subdivision development (Aspen Heights Addition to the City of Sioux Falls). The project is located in Section 11, Township 101 North, Range 50 West, latitude 43-33-49.2134, longitude 96-47-57.0946, Minnehaha County, South Dakota.

The proposed project will consist of grading the site to desired elevations and contours for the construction of building lots, streets and utilities. The affected waterway (linear wetland/tributary) includes the main wetland artery and three (3) lateral branches. A total of 8.34 acres of wetland will be disturbed by the project construction. The applicant is proposing compensatory mitigation for the adverse wetland impacts by creating 4.52 additional acres of wetland area and enhancing 10.47 acres of existing wetland within the project site. The project has incorporated drainage way easements along the lateral wetlands into the overall layout to minimize impacts to wetlands. A copy of the complete wetland mitigation proposal can be obtained by contacting the South Dakota Regulatory Office at the address or phone number provided herein.

The purpose of the project is to develop a residential subdivision to include segments along primary streets for business/commercial and multi-family facilities.

The South Dakota Department of Environment and Natural Resources, Division of Environmental Services, 523 East Capitol Avenue, Pierre, South Dakota, 57501-3181, will review the proposed project for state certification in accordance with the provisions of Section 401 of the Clean Water

Act. The certification, if issued, will express the State's opinion that the operations undertaken by the applicant will not result in a violation of applicable water quality standards. The South Dakota Department of Environment and Natural Resources hereby incorporates this public notice as its own public notice and procedures by reference (ARSD 74:51:01).

Omaha District will comply with the National Historic Preservation Act of 1966, as amended. We have checked the National Register of Historic Places and "its current supplements," and no property listed in the Register or proposed for listing is located in the permit area. This is the extent of our knowledge about historic properties in the permit area at this time. However, we will evaluate input by the State Historic Preservation Officer and the public in response to this public notice, and we may conduct or require a reconnaissance survey of the permit area or check for unknown historic properties, if warranted.

In compliance with the Endangered Species Act, a preliminary determination has been made that the described work will not affect species designated as threatened or endangered or adversely affect critical habitat. In order to complete our evaluation of this activity, comments are solicited from the U.S. Fish and Wildlife Service and other interested agencies and individuals.

The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposals must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the activity will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production, and, in general the needs and welfare of the people. In addition, the evaluation of the impacts of the project on public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act (40 CFR Part 230).

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with

particularity, the reason for holding a public hearing. The request must be submitted to the US Army Corps of Engineers, South Dakota Regulatory Office, 28563 Powerhouse Road, Room 118, Pierre, South Dakota 57501.

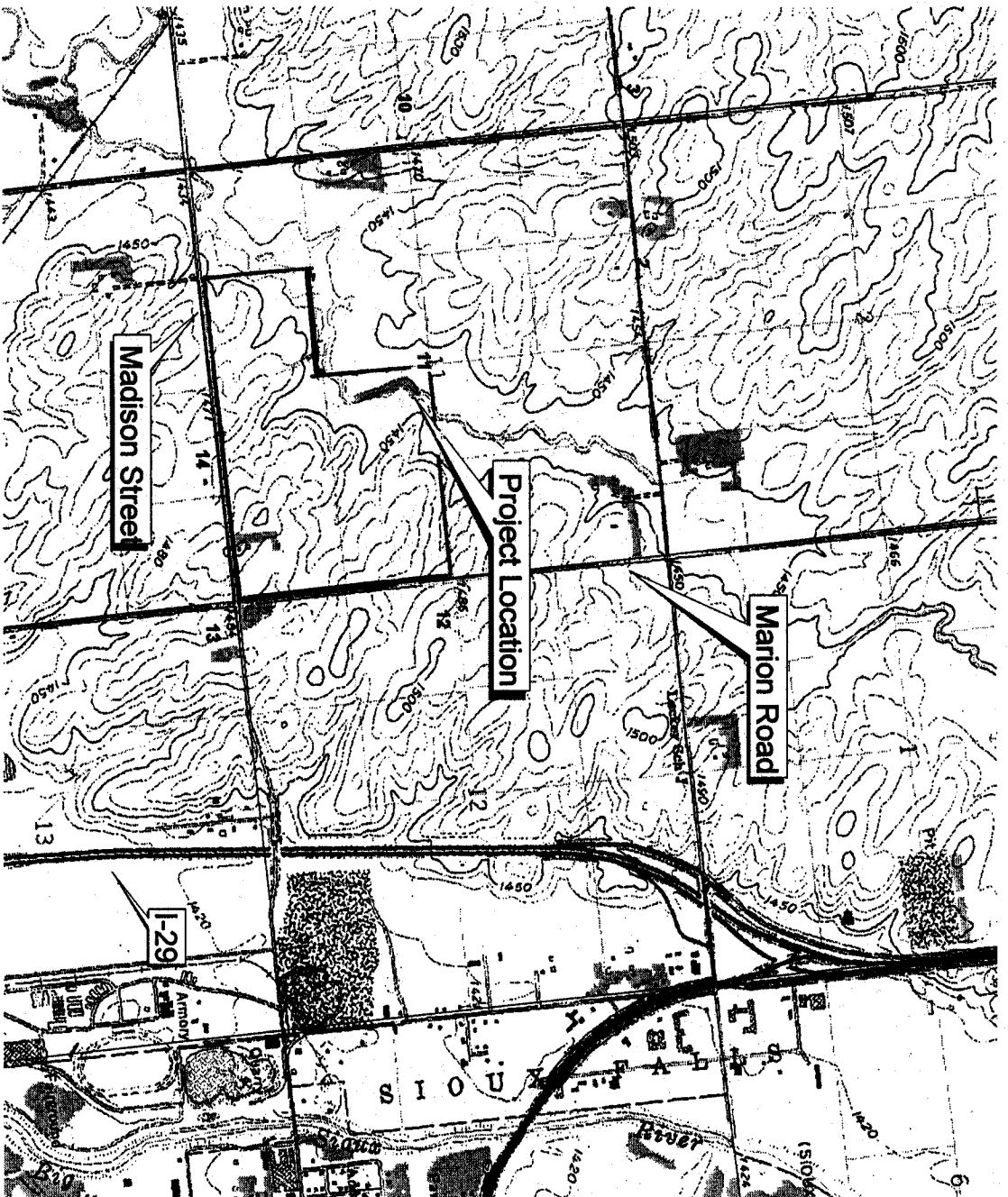
Any interested party (particularly officials of any town, city, county, state, Federal agency, Indian Tribe, or local association whose interests may be affected by the proposed work) is invited to submit to this office, written facts, arguments, or objections on or before December 8, 2004. Any agency or individual having an objection to the proposed work should specifically identify it as an objection with clear and specific reasons. Comments, both favorable and unfavorable, will be accepted, made a part of the record and will receive full consideration in subsequent actions on this permit application. All replies to the public notice should be addressed to the address listed in the previous paragraph. Thomas A Lowin, telephone number (605) 224-8531, may be contacted for additional information.

Comments received after the close of the business day on the expiration date of this public notice will not be considered.

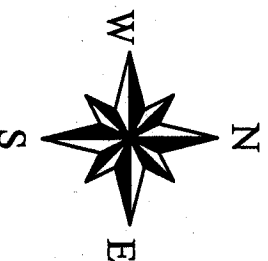
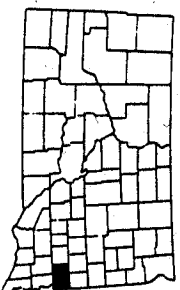
This project, if authorized, will be under the provisions of Section 404 of the Clean Water Act.

Drawings showing the location and extent of the work are attached to this notice.

Proposed Aspen Heights Addition



□ Plus Ab SIOUX FALLS



PURPOSE: Subdivision development

APPLICATION BY: Signature Homes, LLC  
No. 200430217

IN wetland/tributary  
AT Sec. 11/T101N/R50W  
COUNTY Minnehaha  
DATE 11/17/2004  
SHEET 1 of 3

# ASPEN HEIGHTS ADDITION

## LEGEND

- Existing Wetlands
- Disturbed Wetlands
- Total for site = 8.34 Acres
- Created Wetlands
- Total for site = 4.52 Acres
- Enhanced Wetlands
- Total for site = 10.47 Acres
- 100 Yr. Floodway Limits

MITIGATION AREA #1  
Disturbed = 1.57 Acres  
Created = 1.76 Acres  
Enhanced = 3.97 Acres

MITIGATION AREA #2  
Disturbed = 0.87 Acres  
Created = 1.43 Acres  
Enhanced = 2.38 Acres

MITIGATION AREA #6  
LATERAL WETLAND "C"  
Disturbed = 1.16 Acres  
Created = 0.19 Acres  
Enhanced = 0.16 Acres

MITIGATION AREA #5  
LATERAL WETLAND "B"  
Disturbed = 2.49 Acres  
Created = 0.39 Acres  
Enhanced = 2.95 Acres

LEGAL DESCRIPTION:  
PHASE 1 - Southeast quarter (SE 1/4), Section 11, Township 101 North, Range 56 West of the 5th Principal Meridian, Minnesota County, South Dakota, containing 160+ acres.  
PHASE 2 (FUTURE) - Southeast quarter of the Southwest quarter (SW 1/4, SW 1/4), Section 11, Township 101 North, Range 56 West of the 5th Principal Meridian, Minnesota County, South Dakota, containing 40+ acres. This Phase will be annexed to the City of Sioux Falls at a later date.

PHASE 2 (FUTURE)

PHASE 1

# JSA

CONSULTING ENGINEERS/LAND SURVEYORS, INC.  
3700 S. WEST AVENUE, SIOUX FALLS, SD 57105-6352  
(605)367-1036 FAX (605)367-1002

PURPOSE: Subdivision development

APPLICATION BY: Signature Homes, LLC  
No. 200430217

## REVISIONS

Rev.	Date	By	Desc.
1	10-2004	KHL	DESIGNED BY
2	10-2004	KHL	CHECKED BY
3	10-2004	KHL	PROJECT
4	10-2004	KHL	DRAWING

## 404 PERMIT - EXHIBIT C

DATE	10-2004	DRAWN BY	KHL	PROJECT	2005-01-001
DESIGNED BY	KHL	CHECKED BY	C-L	DRAWING	2005-01-001

Sheet No.

C-1

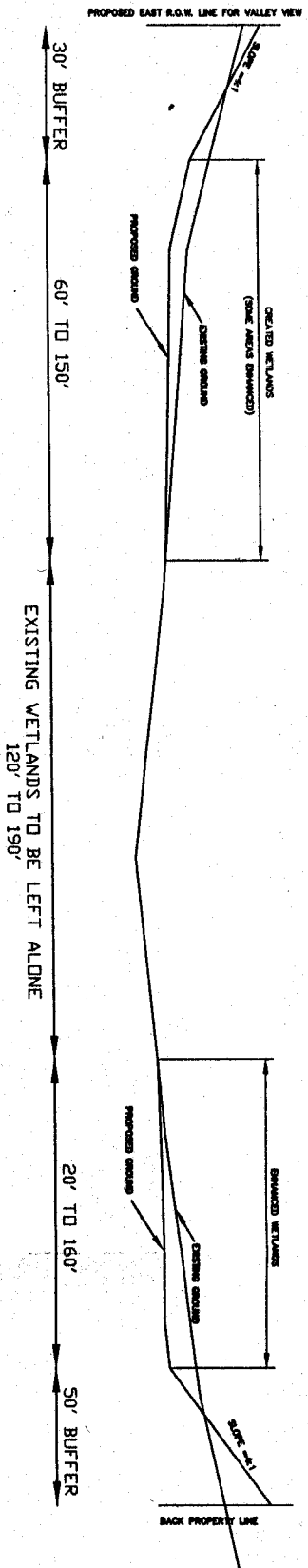
IN wetland/tributary  
AT Sec. 11/T101N/R50W  
COUNTY Minnehaha  
DATE 11/17/2004  
SHEET 2 of 3

# PROPOSED CROSS SECTIONS

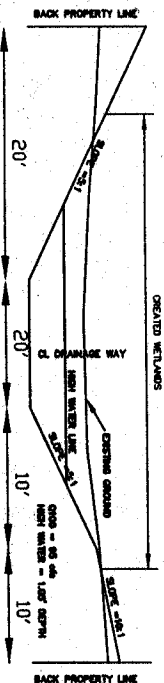
NOT TO SCALE

## NOTES:

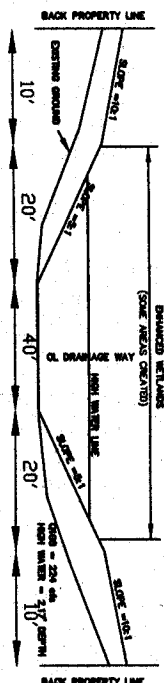
MITIGATION AREAS #1 AND #2  
TYPICAL CROSS SECTION



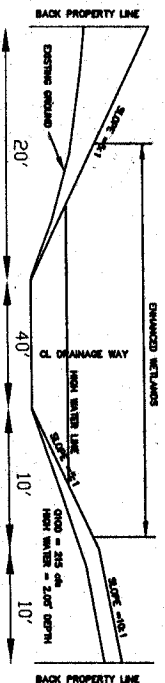
MITIGATION AREA #3  
TYPICAL CROSS SECTION 60' WIDE



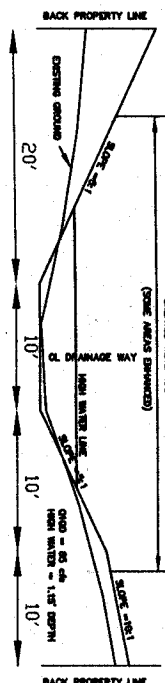
LATERAL "B" - MITIGATION AREA #5  
CROSS SECTION 100' WIDE



LATERAL "A" - MITIGATION AREA #4  
TYPICAL CROSS SECTION 80' WIDE



LATERAL "C" - MITIGATION AREA #6  
TYPICAL CROSS SECTION 50' WIDE



# JSA

CONSULTING ENGINEERS/LAND SURVEYORS, INC.  
3700 S. WEST AVENUE, SOUX FALLS, SD 57105-6352  
(605)367-1036 FAX (605)367-1002

PURPOSE: Subdivision development

APPLICATION BY: Signature Homes, LLC  
No. 200430217

REVISIONS			
NO.	DATE	BY	CHK.
1			
2			
3			
4			

404 PERMIT - EXHIBIT D	Aspen Heights Addition
DESIGNED BY: JSA	PROJECT: 2005-01-000
CHECKED BY: JSA	DRAWING: 2005-01-000
DATE: 11/17/2004	404 PERMIT

Sheet No.  
D-1

IN wetland/tributary  
AT Sec. 11/T101N/R50W  
COUNTY Minnehaha  
DATE 11/17/2004  
SHEET 3 of 3